


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

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~~THOMAS M. COULD~~
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

KEVIN MILLEN,

Plaintiff,

vs.

FRIEDMAN'S, INC.,

Defendant.

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No. 04-3016-M1/An

ORDER OF DISMISSAL

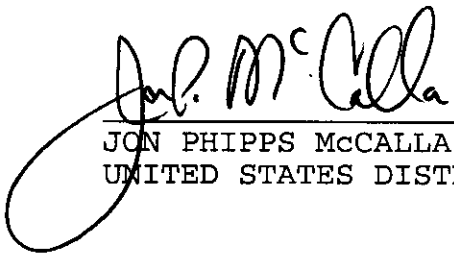
Plaintiff Kevin Millen filed a pro se complaint pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., and the Americans with Disabilities Act, 29 U.S.C. § 12111 et seq., on December 15, 2004, along with a motion seeking leave to proceed in forma pauperis. As the plaintiff's motion to proceed in forma pauperis contained no information concerning his monthly income, assets, and financial obligations, the Court issued an order on May 11, 2005 denying leave to proceed in forma pauperis and directing the plaintiff to pay the \$150 civil filing fee within thirty days. On May 24, 2005, plaintiff filed another motion, entitled "Order Asking for Leave to Use In Forma Pauperis And Order Directing Defendants to Pay Monetary funds [sic] Owed to Plaintiff," which the Court construed as a motion seeking reconsideration of the decision denying leave to proceed in forma pauperis. The Court issued an order on July 20, 2005 denying the

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motion for reconsideration and advising the plaintiff that, "[i]f the civil filing fee is not paid by August 5, 2005, this action will be dismissed, without prejudice, for failure to prosecute." 07/20/05 Order at 2.

The date specified in the July 20, 2005 order has passed, and the plaintiff has not paid the civil filing fee. Accordingly, the Court DISMISSES the complaint without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 29 day of August, 2005.



JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 2:04-CV-03016 was distributed by fax, mail, or direct printing on August 30, 2005 to the parties listed.

Kevin Millen
4104 Stillwood Dr.
Memphis, TN 38128

Honorable Jon McCalla
US DISTRICT COURT